

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the indication that claims 13-16 are allowed.

In the Official Action, the Examiner objects to the Title as not being descriptive. In response, the Title has been amended to be consistent with the preamble of the claims (as amended-see below). Accordingly, it is respectfully requested that the objection to the Title be withdrawn.

In the Official Action, the Examiner rejects claims 1, 13, 16 and 17 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner argues that the phrase "A calibration pattern unit which obtains correction information of an imaging system by imaging at the imaging system" is unclear (emphasis in original).

In response, the objectionable phrase has been amended to recite --a calibration pattern unit photographed by an imaging system to acquire an image for obtaining correction information of the imaging system--. Claim 13 has been further amended to improve its form and readability. Accordingly, it is respectfully requested that the rejection of claims 1, 13, 16 and 17 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claims 17 and 18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,214,872 to Buyalos, Jr. (hereinafter "Buyalos"). Additionally, the Examiner rejects claims 1, 2 and 4-12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,768,443 to Michael et al., (hereinafter "Michael") in view of U.S. Patent No. 4,689,523 to Fowler (hereinafter "Fowler"). Lastly, the Examiner rejects claim

3 under 35 U.S.C. § 103(a) as being unpatentable over Michael and Fowler and further in view of U.S. Patent No. 5,923,727 to Navab (hereinafter "Navab").

In response, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below. However, independent claims 1, 16 and 17 have been amended to clarify the preamble thereof (as discussed above) and further amended to improve their form and readability. No new matter has been entered into the disclosure in doing so.

Firstly, Applicants respectfully submit that none of the cited references teach or suggest supporting members in which a calibration pattern is provided for obtaining correction information, and which can selectively set the calibration pattern unit in a first form (purpose) for photographing when the correction information is obtained, and in a second form (purpose) for other purposes as recited in independent claims 1, 16 and 17, as clarified by the amendments thereto.

Turning now to the prior art, Buyalos is related to a portable blind for concealing a user, and as such belongs to a completely different field of endeavor as compared to the field of technology of photography apparatuses such as cameras and obtaining correction information thereof. As disclosed in the first paragraph (column 1, lines 18-23) of the "Background Art" and column 3, lines 58-59, for example, the "adjustable umbrella blind" is used by hunters, soldiers, and observers of wildlife, in particular, desiring concealment. Therefore, as disclosed in column 3, lines 58-59, the surface is a camouflage-type color and pattern.

However, Buyalos does not disclose or suggest an obtaining of correction information of an imaging apparatus such as a camera, a calibration pattern unit for obtaining

correction information, and a structure in which the calibration pattern unit has a plurality of forms. Thus, Buyalos is also directed to a different objective as the present application.

Considering that the invention disclosed in Buyalos is a portable blind for camouflage, it belongs to a completely different field of endeavor as compared to the technology for obtaining correction information of an imaging apparatus. Furthermore, since Buyalos is also directed to a different objective, Buyalos is from a non-analogous art and must be withdrawn.¹

Michael, in Figure 4, shows a three-calibration target provided on a non-coplanar plane, which is used for coordinating a field of view of a plurality of cameras. However, Michael merely describes as an example that there are different forms of the calibration target and the substrate of the non-coplanar plane on which the calibration target is provided (Figs. 1 and 4, etc.). Thus, Michael does not disclose or suggest a structure in which a plurality of forms can be provided (selectively).

Fowler discloses an optical cleaning system for removing matter (e.g., algae) from underwater surfaces using the high-energy strobe lamp (abstract). Fig. 6 shows a structure in which the strobe lamps are hinged to each other so that the arrangement of the strobe lamps correspond to tubular surfaces to clean large areas of the tubular surfaces (column 5, lines 56-62). However, Fowler does not disclose or suggest an obtaining of correction information of an imaging system such as a camera, a calibration pattern unit for obtaining correction information, and a structure in which the calibration pattern unit has a plurality of forms.

¹ To be considered analogous art, the references cited by the Examiner must be either in the same field as the invention or be reasonably pertinent to the problem faced by the inventor See, e.g., *In re Clay*, 966 F.2d 656, 23 USPQ 2d 1058 (Fed. Cir. 1992); *In re Paulsen*, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994); and *Wang Labs., Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ 2d 1767 (Fed. Cir. 1993).

Considering that Fowler is an optical cleaning system for removing matter (e.g., algae) from underwater surfaces, it belongs to a completely different field of endeavor from the technology for obtaining correction information of the photography apparatus and also is directed to a different objective. Thus, for the same reasons as discussed above with regard to Buyalos, Fowler is from a non-analogous art and must be withdrawn.²

Navab is related to an X-ray calibration apparatus. Figures 3-6 of Navab show a three-dimensional phantom arrangement. However, Navab does not disclose or suggest that the phantom arrangement is structured so as to have a plurality of forms.

With regard to the rejection of claims 17 and 18 under 35 U.S.C. 102(b), independent claim 17 has been amended to clarify that “a supporting member configured to use a tensile force generated by fixing the framework in a predetermined position so as to form surfaces by at least one of a three-dimensionally arranged plane and curved surface, and a predetermined one of the surfaces of the supporting member including the calibration pattern (for obtaining correction information) formed thereon”.

In stark contrast, Buyalos discloses a camouflage pattern formed on a “concealing element” of a “portable blind” used by hunters and soldiers. That is, Buyalos merely discloses a “concealing element on which a pattern for camouflage is formed”, and does not disclose or suggest, “a predetermined one of the surfaces of the supporting member including a calibration pattern (for obtaining correction information of an imaging system) formed thereon”.

Thus, in addition to Buyalos being from a non-analogous art (and improperly cited against claims 17 and 18), it also does not teach a calibration pattern having the features discussed above and as recited in independent claim 17. Since it has been decided that

² Id.

“anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”³ independent claim 17 is not anticipated by Buyalos. Accordingly, independent claim 17 patentably distinguishes over Buyalos and is allowable. Claim 18 being dependent upon claim 17 is thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 17 and 18 under 35 U.S.C. § 102(b).

With regard to independent claim 1, the same recites “supporting members having a surface formed by three-dimensionally arranged planes, a predetermined one of the surfaces of the supporting members including the calibration pattern formed thereon, and the supporting members being configured to selectively set the calibration pattern unit in a first form for photographing when the correction information is obtained, and in a second form for other purposes.” Such features are not disclosed or suggested in the cited references.

Michael does not disclose “supporting members each can selectively set the calibration pattern system to a first form for photographing when the correction information is obtained, and a second form for other purposes.”

In the Official Action, the Examiner indicates Figure 6 as showing a hinge for changing the arrangement of a strobe lamp that is a light source for the optical cleaning system. Fowler discloses the hinge for changing the arrangement of the strobe lamp in order to radiate light to a large area of the tubular surface to be cleaned. That is, Fowler merely discloses “a hinge for changing the arrangement of the strobe lamp as a light source for the optical cleaning system.”

³ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

Therefore, Fowler does not disclose “supporting members having a surface formed by three-dimensionally arranged planes, a predetermined one of the surfaces of the supporting members including the calibration pattern (for obtaining correction information) formed thereon, and the supporting members being configured to selectively set the calibration pattern unit in a first form for photographing when the correction information is obtained, and in a second form for other purposes” as recited in claim 1.

Thus, in addition to Fowler being from a non-analogous art (and improperly cited against claim 1), Independent claim 1 is also not rendered obvious by the cited references because neither the Michael patent, the Fowler patent, nor the Navab patent whether taken alone or in combination, teach or suggest a calibration pattern having the features discussed above. Accordingly, claim 1 patentably distinguishes over the prior art and is allowable. Claims 2-12 being dependent upon claim 1 are thus at least allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejections of claims 1-12 under 35 U.S.C. § 103(a).

Furthermore, Applicants respectfully submit that there is no motivation or suggestion to combine the Michael and Fowler patents. Thus, their combination to reject claims 1-12 is improper and must be withdrawn. As discussed above, Fowler is related to an optical cleaning system for removing matter (e.g., algae) from underwater surfaces, and belongs to a completely different field of endeavor and directed to solving a different problem as compared to the Michael patent, which is directed to coordinating a field of view of a plurality of cameras. Thus, those skilled in the art would not be motivated or suggested to look to the teachings of Fowler for combination with Michael. 35 U.S.C. 103(a) “requires ... a showing that an artisan of ordinary skill in the art at the time of the invention, **confronted by the same problems as the inventor** and with no knowledge of the claimed invention, would have selected the various

elements from the prior art and combined them in the claimed manner.” Princeton Biochemicals, Inc. v. Beckman Coulter, Inc., 411 F.3d 1332, 1337 (Fed. Cir. 2005) (emphasis added) (citing Ruiz v. A.B. Chance Co., 357, F.3d 1270, 1275 (Fed. Cir. 2004). Since the Fowler and Michael references are directed to different fields of endeavor and solving different problems, those of ordinary skill in the art could not have been motivated to combine the teachings thereof. Thus, in addition to the claims distinguishing over the teachings of Fowler and Michael as discussed above, Applicants respectfully submit that the combination of such references is improper and must be withdrawn.

Lastly, new claims 19-25 have been added to further define the patentable invention. New claims 19-25 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the addition of new claims 19-25. Applicants respectfully submit that new claims 19-21 are at least allowable as depending upon an allowable base claim. Furthermore, Applicants respectfully submit that claims 19-21 patentably distinguish over the cited references independently of their base claims. Specifically, none of the cited references teach or suggest a second form for carrying or storing a calibration pattern unit to obtain correction information. Applicants further submit that independent claims 22-25 patentably distinguish over the prior art and are allowable.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', with a stylized, looping flourish extending from the end of the name.

Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

TS:dg